

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2009 TERM
CAUSE NO. 77C01-0905-PL-00175

OSCAR GUILLEN, SR.,)
Plaintiff)
)
VS.)
)
MICHELE LINCOLN, et. al.,)
Defendants)

FILED
IN CIRCUIT COURT

MAY 13, 2009

Myra Hill Davis
Clerk, Sullivan Circuit Court

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and may not state a claim upon which relief may be granted for the following reasons:

1. The Court finds Plaintiff has failed to allege facts sufficient to prosecute this action against several of the named Defendants in his CIVIL RIGHTS COMPLAINT pursuant to I.C. 34-13-3-5(c).
2. The Plaintiff has not provided proof he has exhausted all of his administrative remedies before filing this cause of action. Plaintiff must provide written documentary proof he completed all five steps of the prison grievance process before he can file his PRISONER COMPLAINT.
3. Any named Defendant that is a state employee acting in the course of their official duties would be immune to liability for damages incurred as a result of constitutional violations.
4. Further, Plaintiff's CIVIL RIGHTS COMPLAINT is very difficult to read and decipher why he has named several of the Defendants. He did not provide copies of his CIVIL RIGHTS COMPLAINT for service on the named Defendants.

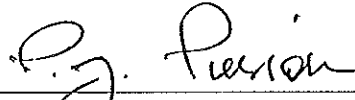
Based on the foregoing, the Plaintiff's PRISONER COMPLAINT is dismissed with prejudice.

SO RECOMMENDED this 13th day of May, 2009.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate
Sullivan Circuit Court



SO ORDERED this 13th day of May, 2009.



P. J. PIERSON, Judge
Sullivan Circuit Court

Distribution:
Oscar Guillen, Sr.
DOC #950987
P.O. Box 1111
Carlisle, Indiana 47838

Indiana Department Of Corrections
Attn: Edwin G. Buss
E334 Government Center S
302 W. Washington Street
Indianapolis, Indiana 46204-2760

Patricia Orloff Erdmann
Section Chief, Civil Rights and Employment Litigation OAG,
IGCS - 5th Floor
302 West Washington Street
Indianapolis, IN 46204